THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :7933 of 2007

DATED:17-04-2007

BETWEEN:

M.Chandrasekhar.

..... PETITIONER

AND

The Commissioner of Police,
Hyderabad & 5 others.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 2nd respondent in summoning the petitioner to the police station and threatening to implicate him and his family members in false criminal cases at the instance of the respondents 3 to 6 without there being any case registered or pending against him, as illegal, arbitrary.

3. It is the case of the petitioner that with regard to the personal disputes and strained relations between the petitioner and the 3rd respondent-wife of the petitioner, the 2nd respondent-Station House Officer is unnecessarily interfering with the personal life and liberty of the petitioner. Hence, the Writ Petition.

4. Police cannot interfere with regard to the personal life and liberty of the public without there being any complaint, and unless the said complaint is registered. If there is any complaint alleging that the petitioner has committed a cognizable offence and unless it is registered, the police cannot interfere with the personal life and liberty of the petitioner, but however I am of the opinion that

without making any representation before the Commissioner of police with regard to the alleged illegal action on the part of the 2nd respondent and without taking recourse under the Code of Criminal Procedure filing the writ petition straightaway before this Court may not be just and proper.

5. Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to make a representation before the Commissioner of police with regard to the alleged illegal action on the part of the 2nd respondent and take appropriate action in accordance with law. No order as to costs.

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V.ESWARAIAH, J

17th April, 2007
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